

Emma Lindsay

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Emma is a partner in the litigation and arbitration team.

Emma leads the firm's international arbitration team in the United States. She specializes in investor-state arbitration, international commercial arbitration and public international law. She represents corporations, governments, individuals and organizations around the world and across a wide range of industries, including energy, infrastructure, insurance, pharmaceuticals, technology, tourism, hospitality and financial services. She also appears in U.S. federal and state courts in international litigation matters. In addition to her work as counsel, Emma sits as an arbitrator.

Emma's experience spans disputes involving the Americas, Africa, Asia, Europe and the Middle East. She is ranked in Who's Who Legal (Arbitration: Future Leaders) and was selected as one of Latin America's Top 100 Female Lawyers by Latinvex in 2016, 2017 and 2018 for her arbitration and litigation practice involving the region. She regularly advises clients in connection with transactional matters, including risk mitigation in investment strategies and the drafting of dispute resolution clauses in international contracts.

As part of her international practice, Emma represents and advises states, corporations, individuals, international organizations and non-governmental organizations on public international law matters including the negotiation, interpretation and application of treaties, sovereignty over territory, land and maritime boundaries, state immunity, international investment law and international human rights law. She has particular expertise in matters before the International Court of Justice.

Emma has an active pro bono practice spanning representation and advice in matters at the state, federal, regional and international levels, including proceedings before the United States Supreme Court, the International Criminal Court, the European Court of Human Rights, the Extraordinary Chambers in the Courts of Cambodia (the Khmer Rouge Tribunal) and various United Nations bodies.

SECRETARY **LAURA GOSHEFF**

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TRACK RECORD

Represented U.S. manufacturer and distributor of skincare products against Norwegian supplier in arbitration in London under JAMS.

Successfully defended African State against jurisdiction of ICC arbitration tribunal allegedly based on unsigned contract containing arbitration clause.

Represented U.S. hospitality company in AAA/ICDR arbitration concerning acquisition of restaurant chain from Japanese and U.S. sellers.

Represented Barbadian investor in ICSID arbitration against Bolivarian Republic of Venezuela involving claims under Barbados-Venezuela bilateral investment treaty with respect to expropriation of hotels and tourism-related assets.

Represented Panamanian corporation in AAA/ICDR arbitration involving rights to sale and use of entertainment technology throughout South America, Central America and the Caribbean.

Represented Japanese pharmaceutical company in ICC arbitration concerning price revision under long-term development and distribution agreement governed by Pennsylvania law.

Represented U.S. private equity firm in AAA/ICDR arbitration concerning contribution obligations under partnership agreement governed by

Delaware law.

Represented Latin American State in bilateral investment treaty arbitration concerning electricity sector, conducted in New York pursuant to UNCITRAL Rules and administered by London Court of International Arbitration.

Represented Latin American State in investment treaty arbitration concerning electricity sector, conducted in New York under CAFTA-DR pursuant to UNCITRAL Rules and administered by Permanent Court of Arbitration.

Represented State-owned company in ICC arbitration concerning dispute with concessionaire under concession agreement.

Represented Japanese company in ICC arbitration in Singapore under share purchase agreement governed by Indian law.

Represented international insurer in ad hoc arbitration in London concerning coverage dispute with multinational pharmaceutical company.

Advised Chinese shipping company in respect of dispute with Brazilian counterparty involving intersection of arbitration law, contract law, maritime law and bankruptcy law in multiple jurisdictions.

Advised U.S. investor in respect of claims under NAFTA involving transportation sector.

Advised U.S. investors in respect of ICSID claims against Latin American State arising under bilateral investment treaty and involving oil and gas industry.

Advised Asian State in connection with territorial and maritime boundary disputes in South China Sea.

Advised U.S. financial institution on litigation and enforcement risks of multibillion dollar transaction with Latin American State and State-owned entity.

Served as sole arbitrator in ICC arbitration under sales and purchase agreement.

Served as arbitrator in ICC arbitration of intellectual property licensing dispute between Swedish, Canadian and U.S. parties.

Served as arbitrator in ICC arbitration of dispute between U.S. supplier of turbomachinery used in the oil and gas industry and its Malaysian distributor.

Successfully opposed temporary restraining order and preliminary injunction sought against Irish corporate client in U.S. federal court, leading to immediate voluntary dismissal of all claims against client by opposing party.

Defended German individual in litigation in U.S. District Court for Southern District of New York and against appeal to U.S. Court of Appeals for the Second Circuit pursued by hedge funds seeking to recover losses on foreign stocks.

Represented U.K. individual in resisting motion to compel arbitration under U.S. Federal Arbitration Act.

Represented U.S. entity in matter arising in U.S. federal court concerning enforcement of an international arbitration award rendered in Switzerland.

Advised Venezuelan individual seeking discovery in aid of foreign litigation under 28 U.S.C. § 1782.

Advised U.S. individual in connection with investigation by and proceedings before magistrate judges in Paris for alleged insider trading.

Represented financial services company in arbitration under AAA Commercial Rules concerning dispute with former employees regarding share

buyback.

Represented financial services company in JAMS mediation concerning dispute with former employees.

Represented private equity firm in arbitration under JAMS Arbitration Rules.

Represented licensee in JAMS mediation concerning dispute with licensor of proprietary enzyme technology.

Advised Clooney Foundation for Justice TrialWatch Program on legal and practical issues relating to trial observation and court monitoring worldwide.

Represented Nuremberg scholars submitting amicus brief on Alien Tort Statute to United States Supreme Court in *Jesner v. Arab Bank*.

Represented international NGO in connection with litigation and legislative strategies to seek accountability for war crimes and crimes against humanity committed in mining and sale of "blood diamonds" from Sierra Leone.

Advised Zambian individual in connection with claims under International Covenant on Civil and Political Rights.

Advised Legal Representative of the Victims in *The Prosecutor v. Uhuru Kenyatta (Kenya Case 2)* at International Criminal Court on issues of international criminal law and procedure.

Represented Chinese national in individual complaint against The Netherlands before UN Committee on the Elimination of Discrimination Against Women.

Advised on legal claims and litigation strategy in cases before European Court of Human Rights, including challenge to conduct of Russian criminal court proceedings and to extraordinary rendition to CIA "black sites" in Europe and elsewhere.

Advised Office of the Co-Prosecutors at the Extraordinary Chambers in the Courts of Cambodia (the Khmer Rouge Tribunal) on international criminal law issues in connection with Case 002 against four surviving senior Khmer Rouge leaders.

Advised on challenges to jurisdiction of military commission constituted pursuant to Military Commissions Act brought by detainee at United States Naval Base at Guantánamo Bay, Cuba.

Advised Argentinean NGO on international and domestic prosecutions of war crimes and crimes against humanity. • Represented clients from Africa and Asia seeking asylum in the United States.

ADMISSIONS

■ New York, 2004

■ England & Wales, 2002

PUBLICATIONS

'Seasteads: Self-Isolation For The Ultra Wealthy.' *Billionaire* - June 16, 2020, featured

'Human rights laws could be next frontier for climate court actions.' *Bloomberg Law* - March 24, 2020, co-author

'More Women Help Settle High-Stakes Overseas Arbitration Disputes.' *Bloomberg Big Law Business* - September 10, 2018, quoted

'Withers hires international arbitration specialist from rival firm.' *privateclient* - September 2018, featured

'Wake Up Call: Covington & Burling's Jon Kyl to Take McCain's Senate Seat.' Big Law Business - September 5, 2018, featured

'International Arbitration Partner Emma Lindsay Joins Withers in New York.' Citybizlist - September 4, 2018, featured

'Withers Lands Ex-Bryan Cave Arbitration Pro in NY.' Law360 - September 4, 2018, featured

'Bryan Cave Leighton Paisner Loses Arbitration Leader to Withers.' New York Law Journal - September 4, 2018, featured

'Disputes round-up: White & Case continues hiring drive with RBS litigation head as HSF partner appointed deputy High Court judge.' Legal Business - September 4, 2018, featured

'People Moves: Withers, Ardan International, Lombard Odier, Morgan Stanley, SJP, Brewin Dolphin, Bedell Cristin, LGIM.' International Investment - September 4, 2018, featured

'Withers snaps up former Bryan Cave team leader.' Global Arbitration Review - September 2, 2018, featured

Co-Author (with Maria Gritsenko), "Reflections on 'AfrICCA' in Mauritius," CDR (Commercial Dispute Resolution) News and African Law & Business (2016)

Co-Author (with Jovana Crnčević), "The continued journey for justice: the Kenyan victims' role in the case against President Kenyatta before the International Criminal Court," International Bar Association Pro Bono Committee News, Issue No. 4 (2016)

Co-Author (with Jovana Crnčević), "Pro bono pursuit of judicial review for Kenyan victims at the International Criminal Court," International Bar Association Pro Bono Committee News, Issue No. 3 (2015)

Co-Author (with Robert H. Smit), "Enforcement by U.S. Courts of International Arbitration Interim Orders and Awards under the New York Convention: Publicis Communication v. True North Communications Inc.," Post-Hearing Issues in International Arbitration (Devin Bray and Heather L. Bray, editors), Juris (2013)

Co-Author (with Robert H. Smit, Peter C. Thomas and Tyler B. Robinson), Comparison of International Arbitration Rules, Juris (2013) • Co-Author, Report on Legal Issues Involved in the Western Sahara Dispute: The Principle of Self-Determination, New York City Bar Association (2012)

Author, "The Arbitral Tribunal or the National Court - Who Decides Whether There Is an Agreement to Arbitrate?," New York Dispute Resolution Lawyer (2011)

Co-Author, Report on Legal Issues Involved in the Western Sahara Dispute: Use of Natural Resources, New York City Bar Association (2011)

Author, "Lysistrata, Women & War: International Law's Treatment of Women in Conflict and Post-Conflict Situations," Texas Wesleyan Law Review (2005)

TALKS

Panelist, Discovery in aid of arbitration under 28 USC §1782, Who's Who Legal Future Leaders Arbitration Conference, Washington DC (2019)

Panelist, Effective Advocacy in International Arbitration, PLI International Arbitration Day, New York (2017)

Speaker, Roundtable on Women in International Arbitration, New York University School of Law, New York (2017)

Speaker, "Advising on JV Disputes Between U.S. and Asian Companies," 5th International Arbitration Summit for Korea and Japan, Seoul, South Korea (2016)

Panelist, "Skills That Make a Difference: What It Takes To Be Effective Counsel in International Arbitration/How to Get Your First Arbitrator

Appointment," Young Arbitral Women Practitioners Conference, New York (2016)

Speaker, "The International Criminal Court: A Primer for U.S. Lawyers," Cyrus R. Vance Center for International Justice, New York (2016)

Panelist, "Victims' Search for Justice: International Criminal Tribunals and the Victims' Role," American Bar Association Section of International Law Spring Meeting, New York (2016)

Guest Lecturer, "Victim Participation at the International Criminal Court," The New School University, New York (2015)

LANGUAGES

ENGLISH

FRENCH

DATES

JOINED: 2018

New York

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